

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLEN KELLY,	:	CIVIL ACTION NO. 1:12-CV-1245
Plaintiff	:	
	:	
v.	:	(Judge Conner)
	:	
FACILITY MANAGER ERIC BUSH,	:	
<i>et al.,</i>	:	
Defendants	:	

ORDER

AND NOW, this 12th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 4), recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. 3) be denied and the complaint (Doc. 1) be transferred to the United States District Court for the Western District of Pennsylvania, and, following an independent review of the record and noting that plaintiff filed objections¹ to the report on July 13, 2012 (Doc. 8), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's report (Doc. 4), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 4) are ADOPTED.
2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 3) is DENIED.
28 U.S.C. § 1915(g).
3. Plaintiff's *in forma pauperis* complaint (Doc. 1) is DISMISSED.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge